



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II
290 BROADWAY
NEW YORK, NEW YORK 10007 -1866

July 20, 2015

BY ELECTRONIC MAIL

Robert Law, Ph.D.
demaximis, inc.
186 Center Street, Suite 290
Clinton, New Jersey 08809

Re: Lower Passaic River Study Area, 17-Mile RI/FS
CPG letter dated July 7, 2015 regarding EPA comments on the draft BERA and BHHRA

Dear Dr. Law:

This letter is in response to the Cooperating Parties Group's (CPG's) July 7, 2015 letter which was written in response to the Environmental Protection Agency's (EPA's) June 19, 2015 letter regarding EPA comments on the draft Baseline Human Health Risk Assessment (BHHRA) and draft Baseline Ecological Risk Assessment (BERA) reports submitted by the CPG. The CPG submitted both documents to EPA as part of the Remedial Investigation/Feasibility Study (RI/FS) process for the 17-Mile Lower Passaic River Study Area (LPRSA), which the CPG is performing under EPA oversight.

The CPG's July 7th letter lays out a process for moving forward on the review and revision of the first drafts of these documents, and EPA is generally in agreement with the process laid out by the CPG. In order to assure work continues to proceed, EPA offers the following suggested milestones:

- CPG to submit full response to comments (RTC) within 30 days after receipt of all supplemental information required to complete the revisions. It is EPA's understanding that the RTCs are already being prepared, so an additional 30 days after receipt of all outstanding information should be a sufficient amount of time to finalize the responses.
- CPG to submit revised reports within 45 days of notice from EPA that the RTCs form an acceptable basis from which to revise the draft BHHRA and draft BERA. As we have discussed, a full and thorough review of both revised documents will be required by EPA and its partner agencies, so acceptance of the RTCs does not constitute acceptance of the revised documents.

EPA will strive to conduct a quick review of the RTCs and is optimistic that they will be largely acceptable since we have already discussed many of the areas where we are in technical disagreement. As such, EPA thinks it should be possible to have revised risk assessments prepared by early fall 2015, but we are willing to discuss different time frames than laid out above.

As for the attachment to the CPG's July 7, 2015 letter, EPA would like to append our earlier Response 7, which relates to apparent differences between data treatment requirements for the LPRSA and Newark Bay Study Area (NBSA). EPA looked into this issue further and, in fact, the NBSA Problem Formulation Document (PFD) does specify that toxicity test results will be compared statistically to the controls. While the text of the PFD says that use of control sediment is for QA/QC purposes, the tables in the PFD and information in subsequent documents specify the comparison of toxicity data to controls, consistent with what was agreed to in the Risk Assessment and Risk Characterization plan for the LPRSA. Overall, the comparison of the toxicity tests to controls is part of the characterization of the test results, in addition to showing QA/QC compliance, but ecological risk decisions will be based upon additional lines of evidence presented in the BERA.

EPA does not have any additional comments related to the rest of the information in the attachment to the CPG's July 7 letter, except to note that the attachment only addresses responses 1 through 18 of EPA's June 19 letter; responses 19 through 27 were not addressed. EPA looks forward to seeing how the comments are incorporated in the revised reports.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steph Vaughn', with a stylized, cursive script.

Stephanie Vaughn, Project Manager
LPRSA 17-Mile RI/FS

cc: W. Mugdan, EPA
R. Basso, EPA
S. Flanagan, EPA